

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOANNA CASTRO,
PLAINTIFF

V.

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CIVIL NO. 5:18-CV-00312-DAE

ALBERT SALINAS,
DEFENDANT

§
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DEFENDANT'S UNOPPOSED MOTION TO EXTEND
DEFENDANT'S DEADLINE TO FILE ORIGINAL ANSWER

COMES NOW Defendant SALINAS ("Defendant") and, in the above numbered and entitled cause of action, and hereby files this Unopposed Motion to Extend Defendant's Deadline to file his Original Answer, and would respectfully show the following:

I.
Background

1. Plaintiff filed her Original Complaint on April 26, 2018. [Dkt. 1].
2. Subsequent to Defendant Salinas filing a Motion to Dismiss [Dkt 3], Plaintiff filed an Amended Complaint. [Dkt.4].
3. On July 2, 2018, Defendant filed a Motion to Dismiss Plaintiff's Amended Complaint [Dkt. 5].
4. The parties held a Rule 26(f) conference and filed their Joint Report and Proposed Scheduling Order on July 27, 2017 [Dkt. 9]. The Scheduling Order was entered on August 2, 2018. [Dkt. 10].
5. On December 17, 2018, the Court issued its ruling, denying Defendant's Motion to Dismiss Plaintiff's First Amended Complaint. [Dkt. 13].

6. Defendant is requesting an additional extension of approximately ten (10) days to January 9, 2019, not for delay, but only for good cause. Due to the fact that the Court's ruling on Defendant's Motion to Dismiss recently occurred on December 17, 2018, and staff shortages during the Christmas and New Year's season, Defendant's undersigned counsel would request additional time to file Defendant's Original Answer.

7. Therefore, Defendant requests an extension until January 9, 2019 to file Defendant's Original Answer to Plaintiff's First Amended Original Complaint.

8. This request for additional time is not sought for purposes of delay, but to see that justice is done.

**II.
AUTHORITY**

9. Federal Rule of Civil Procedure 6 provides that when an act may or must be done within a specified time, the court may, for good cause, extend the time (a) with or without motion or notice, if the Court acts, or if a request is made, before the original time or its extension expires. *See Rule 5(b), Fed. R. Civ. Proc.*

CERTIFICATE OF CONFERENCE

10. The undersigned conferred with Plaintiff's counsel via email correspondence on December 18, 2018. **Exhibit A.** Plaintiff's Counsel agreed to the extension.



ADOLFO RUIZ

**III.
CONCLUSION**

For these reasons, Defendant asks the Court to enlarge the time to file his Original Answer to Plaintiff's First Amended Original Complaint until January 9, 2018.

SIGNED this 18 day of December, 2018.

Respectfully submitted,

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BY:



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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served in accordance with the Federal Rules of Civil Procedure on this 18 day of December, 2018, to the following:

Millie L. Thompson
Law Office of Millie L. Thompson
1411 West Ave., Ste. 100
Austin, Texas 78701

E-NOTIFICATION



PATRICK C. BERNAL
ADOLFO RUIZ